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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,743	12/21/2001	Thomas G. Triebes	KCX-495 (17557)	3702

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EXAMINER

SIMONE, CATHERINE A

ART UNIT PAPER NUMBER

1772

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,743

Applicant(s)

TRIEBES ET AL.

Examiner

Catherine Simone

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-70 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/21/05 & 3/23/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/14/05 has been entered.

Withdrawn Rejections

2. The 35 U.S.C. 112 rejection of claims 36-70 of record in the Office Action mailed 12/14/04, Page 3, Paragraph #7 has been withdrawn due to the Applicants amendment filed 3/14/05.
3. The 35 U.S.C. 103 rejection of claims 36-38, 40-42, 44-46, 48-56, 58-60, 62-64, 66-68 and 70 over Joung in view of Littleton et al. of record in the Office Action mailed 12/14/04, Pages 4-5, Paragraph #9 has been withdrawn due to the Applicants amendment filed 3/14/05.
4. The 35 U.S.C. 103 rejection of claims 43 and 61 over Joung in view of Littleton et al. and in view of Liou of record in the Office Action mailed 12/14/04, Pages 5-7, Paragraph #10 has been withdrawn due to the Applicants amendment filed 3/14/05.
5. The 35 U.S.C. 103 rejection of claims 47 and 65 over Joung in view of Littleton et al. and in view of Littleton et al. of record in the Office Action mailed 12/14/04, Pages 7-8, Paragraph #11 has been withdrawn due to the Applicants amendment filed 3/14/05.

Art Unit: 1772

6. The 35 U.S.C. 103 rejection of claims 36-39, 42, 44, 45, 49-57, 60, 62 and 63 over Nash in view of Littleton et al. of record in the Office Action mailed 12/14/04, Pages 8-9, Paragraph #12 has been withdrawn due to the Applicants' amendment filed 3/14/05.

7. The 35 U.S.C. 103 rejection of claims 40, 41, 46, 48, 58, 59, 64, 66 and 67-70 over Nash in view of Littleton et al. of record in the Office Action mailed 12/14/04, Pages 10-11, Paragraph #13 has been withdrawn due to the Applicants' amendment filed 3/14/05.

8. The 35 U.S.C. 103 rejection of claims 43 and 61 over Nash in view of Littleton et al. and in view of Liou of record in the Office Action mailed 12/14/04, Pages 11-12, Paragraph #14 has been withdrawn due to the Applicants' amendment filed 3/14/05.

9. The 35 U.S.C. 103 rejection of claims 47 and 65 over Nash in view of Littleton et al. and in view of Littleton et al. of record in the Office Action mailed 12/14/04, Pages 12-14, Paragraph #15 has been withdrawn due to the Applicants' amendment filed 3/14/05.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 36-42, 44-46, 48, 49-60, 62-64 and 66-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Littleton et al. (US 5,792,531) in view of Nash (EP 0 609 387 B1).

Regarding claims 36-39, 42, 44-46, 48, 49, 54-57, 60, 62-64 and 66-70, Littleton et al. discloses an elastomeric glove comprising a substrate body having an inside and outside surface

Art Unit: 1772

and including a layer made of at least one elastomeric block copolymer such as styrene-ethylene-butylene-styrene triblock copolymer (see col. 3, lines 13-20); a donning layer overlying the inside surface of the substrate body (see col. 3, lines 3-8); and a lubricant layer overlying an inside surface of the donning layer (see col. 4, lines 30-37). However, Littleton et al. fails to disclose a chemical protection layer overlying the outside surface of the substrate body and the chemical protection layer being formed from a polymeric material that consists essentially of at least one crosslinked, modified silicone elastomer. Nash teaches that it is old and well-known in the analogous art to have an outer layer formed from a polymeric material consisting essentially of at least one crosslinked, modified silicone elastomer wherein the modified silicone elastomer contains a diphenyl-modified dimethylsilicone (see page 3, line 3) for the purpose of coating the outer surface of an elastomeric glove to provide resistance to the physical and chemical properties of these extreme environments and to provide the glove with a textured outer surface (see page 2, lines 49-51 and 56-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have coated the outside surface of the elastomeric glove in Littleton et al. with a chemical protection layer formed from a polymeric material consisting essentially of at least one crosslinked, modified silicone elastomer wherein the modified silicone elastomer contains a diphenyl-modified dimethylsilicone as suggested by Nash in order to provide the glove with resistance to the physical and chemical properties of these extreme environments and to provide the glove with a textured outer surface.

Regarding claims 40, 41, 58 and 59, Nash teaches a chemical protection layer consisting essentially of at least one crosslinked, modified silicone elastomer, but fails to teach the thickness of the layer being from about 0.01 mm to about 0.30 mm and 0.01 mm to about 0.20

Art Unit: 1772

mm. The optimum range for the thickness of the chemical protection layer would be readily determined through routine experimentation by one having ordinary skill in the art depending on the desired end results. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the chemical protection layer in Nash to have a thickness of from about 0.01 mm to about 0.30 mm and from about 0.01 mm to about 0.20 mm, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art in absence of showing unexpected results. MPEP 2144.05 (II).

Regarding claims 50-53, the limitations are recitations of intended use and it has been held that a recitation with respect to the manner in which a claimed product is intended to be employed does not differentiate the claimed product from a prior art product satisfying the claimed structural limitations.

12. Claims 47 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Littleton et al. (US 5,792,531) in view of Nash (EP 0 609 387 B1) and in view of Littleton et al. (US 6,730,380).

Littleton et al. '531 in view of Nash discloses the claimed invention as shown above. Littleton et al. '531 further fails to disclose the donning layer containing syndiotactic 1,2 polybutadiene. Littleton et al. '380 teaches that it is old and well-known in the analogous art to have an elastomeric glove with a donning layer containing syndiotactic 1,2 polybutadiene (see col. 2, lines 30-32) for the purpose of having a donning layer that does not crack or peel from the substrate body during storage or service and provide the glove with the ability to be easily donned without the presence of any powder. Therefore, it would have been obvious to one of

Art Unit: 1772

ordinary skill in the art at the time the applicant's invention was made to have modified the donning layer in Littleton et al. '531 to contain syndiotactic 1,2 polybutadiene as suggested by Littleton et al. '380 in order to have a donning layer that does not crack or peel from the substrate body during storage or service and to provide the glove with the ability to be easily donned without the presence of any powder.

13. Claims 43 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Littleton et al. (US 5,792,531) in view of Nash (EP 0 609 387 B1) and in view of Miller et al. (US 4,061,709).

Littleton et al. in view of Nash discloses the claimed present invention as shown above. However, both Littleton et al. and Nash fail to disclose an outer layer overlying the chemical protection layer defining an external, environment exposed surface and grip surface of the elastomeric glove. Miller et al. teaches that it is old and well-known in the analogous art to have a glove formed of a plurality of layers of silicone rubber (see col. 4, lines 35-46) for the purpose of producing a glove that will impart maximum tactile sensitivity to the wearer without impairing his facility of manipulation while at the same time protecting the patient from contamination or infection. Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the elastomeric glove in Littleton et al. with an outer layer to overlie the chemical protection layer and define an external, environment exposed surface and grip surface of the elastomeric glove as suggested by Miller et al. in order to provide a glove which will impart maximum tactile sensitivity to the wearer without impairing his facility of manipulation while at the same time protecting the patient from contamination or infection.

Response to Arguments

14. Applicant's arguments with respect to claims 36-70 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

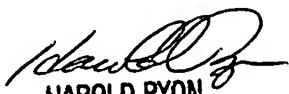
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CAS

Catherine A. Simone
Examiner
Art Unit 1772
April 13, 2005


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

4/14/05